

ESTTA Tracking number: **ESTTA547503**Filing date: **07/09/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Transgroup Express, Inc. dba Transgroup Worldwide Logistics		
Entity	Corporation	Citizenship	Washington
Address	18850 8th Avenue South Suite 100 Seattle, WA 98148 UNITED STATES		

Attorney information	Kevin J. Collette/Robert R. King Ryan, Swanson & Cleveland, PLLC 1201 Third Avenue Suite 3400 Seattle, WA 98101-3034 UNITED STATES collette@ryanlaw.com, king@ryanlaw.com Phone:206.654.2252, 206.654.228
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Registration Subject to Cancellation

Registration No	4267608	Registration date	01/01/2013
Registrant	TransGOLF, Inc. 317 Palm Warbler Road Johns Island, SC 29455 UNITED STATES		

Goods/Services Subject to Cancellation

Class 001. First Use: 2012/02/24 First Use In Commerce: 2012/02/24 All goods and services in the class are cancelled, namely: Horticultural products, namely, soil amendments and fertilizer additives for turf and lawn care
Class 035. First Use: 1989/00/00 First Use In Commerce: 1989/00/00 All goods and services in the class are cancelled, namely: Independent sales representatives in the field of turf, turf care products, and lawn care products; consulting in the fields of golf course management
Class 037. First Use: 1989/00/00 First Use In Commerce: 1989/00/00 All goods and services in the class are cancelled, namely: Consulting services in the field of golf course maintenance; providing installation of turf
Class 044. First Use: 1989/00/00 First Use In Commerce: 1989/00/00 All goods and services in the class are cancelled, namely: Horticultural processes and turf and lawn care services, namely, providing preparation and development of turfgrass and/or soil for providing an environment that encourages improved growth attributes; consulting in the field of turf and lawn care

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Registration wrongly issued; never used for all services; specimen does not match drawing as it

	includes "Inc."
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85660979	Application Date	06/25/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TRANSGOLF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2012/01/05 First Use In Commerce: 2012/01/05 Freight forwarding and freight common carrier services by air, sea, and land, namely, transport logistical services for the golf industry in the nature of supply chain logistics and reverse logistic services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TRANSGOLF		
Goods/Services	Freight forwarding and freight common carrier services by air, sea, and land, namely, transport logistical services for the golf industry in the nature of supply chain logistics and reverse logistic services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck		

Attachments	PetitionforCancellation (2).pdf(1357655 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/kjc/, /rrk/
Name	Kevin J. Collette/Robert R. King
Date	07/09/2013

PETITION FOR CANCELLATION

TRANSGROUP EXPRESS, INC. ("Petitioner"), a Washington corporation, *dba* Transgroup Worldwide Logistics, having a business address of 18850 8th Avenue South, Suite 100, Seattle, WA, believes that it is being, and will continue to be, damaged by the continued registration of the trademark "TRANSGOLF," as registered as U.S. Trademark Registration No. 4267608, issued January 1, 2013, by TransGolf, Inc., a South Carolina corporation located at 317 Palm Warbler Road, Johns Island, South Carolina ("Registrant"), and hereby petitions for cancellation of said trademark pursuant to §14 of the Trademark Act, 15 U.S.C. §1064.

Petitioner alleges the following grounds for cancellation:

COUNT I

Lack of use of the Registered Mark

The application that matured into US Trademark Registration No. 4267608 was filed by the Registrant on January 1, 2013. Registrant's example of use was for "TRANSGOLF, INC."

Nonetheless, Registrant applied for the "TRANSGOLF" Mark for the following goods and services:

Class 1: Horticultural products, namely, soil amendments and fertilizer additives for turf and lawn care;

Class 35: Independent sales representatives in the field of turf, turf care products, and lawn care products, consulting in the field of golf course management;

Class 37: Consulting services in the field of golf course maintenance, providing installation of turf; and

Class 44: Horticultural processes and turf and lawn care services, namely, providing preparation and development of turfgrass and/or soil for providing an environment that encourages improved growth attributes, consulting in the field of turf and lawn care.

Registrant received U.S. Trademark Registration No. 4267608 for "TRANSGOLF," on January 1, 2013.

Registrant's registration was wrongfully issued as Registrant does not make and has not make use of the "TRANSGOLF" mark in providing any or all of the goods and services in commerce.

On information and belief, Registrant lists TransGolf, Inc.® on its website and not Transgolf.

COUNT II

Likelihood of Confusion

Petitioner hereby incorporates by reference and realleges each and every allegation as set forth above.

Petitioner's dates of use of its TRANSGOLF Mark are prior to the date of the filing of Registrant's Application and the date of Registrant's claimed date of first use for all uses. Petitioner has used the TRANSGOLF Mark in its business of transporting golf equipment, golf shows, and golf tournament materials as part of its core freight forwarding and carrier services.

In view of the similarity of the respective marks, Registrant's TRANSGOLF Mark so resembles Petitioner's TRANSGOLF Mark, previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive as to source by suggesting that Registrant's goods and services are associated with or approved, endorsed, affiliated, authorized or sponsored by Petitioner.

WHEREFORE, Petitioner respectfully requests that United States Trademark Registration No. 4267608, for the purported trademark "TRANSGOLF," be cancelled.

The filing fee required by 37 C.F.R. 2.6(a)(16) for petitioning for the cancellation of U.S. Trademark Registration No. is being concurrently remitted via Petitioner's authorization to debit Petitioner's USPTO Deposit Account No. 503389.

Attached to this petition are the following documents of proof:

1. Certificate of Registration for TRANSGOLF under number 4,267,608.
2. Transgolf, Inc. current website with ®.
3. A specimen of use filed August 28, 2012 with the Transgolf application.

Attachments:

Exhibits I, II and III

United States of America
United States Patent and Trademark Office

TRANSGOLF

Reg. No. 4,267,608

Registered Jan. 1, 2013

Int. Cls.: 1, 35, 37 and 44

TRANSGOLF, INC. (SOUTH CAROLINA CORPORATION)
317 PALM WARBLER ROAD
JOHNS ISLAND, SC 29455

FOR: HORTICULTURAL PRODUCTS, NAMELY, SOIL AMENDMENTS AND FERTILIZER ADDITIVES FOR TURF AND LAWN CARE, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

TRADEMARK

FIRST USE 2-24-2012; IN COMMERCE 2-24-2012.

SERVICE MARK

FOR: INDEPENDENT SALES REPRESENTATIVES IN THE FIELD OF TURF, TURF CARE PRODUCTS, AND LAWN CARE PRODUCTS; CONSULTING IN THE FIELDS OF GOLF COURSE MANAGEMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

PRINCIPAL REGISTER

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.

FOR: CONSULTING SERVICES IN THE FIELD OF GOLF COURSE MAINTENANCE; PROVIDING INSTALLATION OF TURF, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.

FOR: HORTICULTURAL PROCESSES AND TURF AND LAWN CARE SERVICES, NAMELY, PROVIDING PREPARATION AND DEVELOPMENT OF TURFGRASS AND/OR SOIL FOR PROVIDING AN ENVIRONMENT THAT ENCOURAGES IMPROVED GROWTH ATTRIBUTES; CONSULTING IN THE FIELD OF TURF AND LAWN CARE, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-608,123, FILED 4-25-2012.

ALICE BENMAMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



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